APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,070	02/02/2004	R. Cameron Marcus	P1487	1981

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CENTRAL COAST PATENT AGENCY, INC
3 HANGAR WAY SUITE D
WATSONVILLE, CA 95076

EXAMINER
ZHOU, TING

ART UNIT	PAPER NUMBER
2173	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/771,070	MARCUS, R. CAMERON
	Examiner	Art Unit	
	TING ZHOU	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>17 January 2008</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
    closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>20-41</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>20-41</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a) ☐ All b) ☐ Some * c) ☐ None of:

   1. ☐ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____.

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
       application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

U.S. Patent and Trademark Office

PTOL-326 (Rev. 08-06)   **Office Action Summary**   Part of Paper No./Mail Date 20080222

DETAILED ACTION

1.   The Request for Continued Examination (RCE) filed on 17 January 2008 under 37 CFR

1.53(d) based on parent Application No. 10/771,070 is acceptable and a RCE has been

established. An action on the RCE follows.

2.   The amendments filed on 17 January 2008, submitted with the filing of the RCE have

been received and entered. The applicant has cancelled claims 1-19 and added new claims 20-

41. Claims 20-40 as amended are pending in the application.

Claim Rejections - 35 USC § 102

        The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
> in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
> patent by another filed in the United States before the invention by the applicant for patent, except that an
> international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
> subsection of an application filed in the United States only if the international application designated the United
> States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 31, 35 and 37-38 are rejected under 35 U.S.C. 102(e) as being anticipated by

Dickie U.S. Publication 2003/0041206.

        Referring to claim 31, Dickie teaches a method comprising the steps of selecting through

an interactive display presented by a computer program specific to the microprocessor-controlled

device on a monitor screen of a computer appliance individual ones of the limited set of

functions of the microprocessor-controlled device (users can select a particular function such as the email function, or meeting function using a computer appliance such as the PDA to enter information/events related to an email or a meeting; the email and meeting functions are also functions of the microprocessor-controlled device, i.e. the portable computer since the email/meeting information are transferred/synchronized in both devices) (pages 2-3, paragraphs 0028-0030); selecting for the individual functions selected specific times for initiating the functions (the PDA generated event includes a specific time, i.e. 1:00pm for a selected function, i.e. meeting event notification) (page 2, paragraph 0029); and providing the selected functions and times for initiation as output information to be transferred to the microprocessor-controlled device (the generated event will produce an output display of "Mgmt Meeting 1:00 PM") (page 2, paragraph 0029).

Referring to claim 35, Dickie, as modified, teach wherein the computer appliance is a personal computer (PC) (PDA and laptop shown in Figure 1).

Referring to claim 37, Dickie teaches wherein the computer program is uploaded from a compact disk read-only medium (CD-ROM) (portable mediums such as a CD-ROM and DVD drive) (page 2, paragraph 0025).

Referring to claim 38, Dickie teaches wherein the CD-ROM is provided by a manufacturer of the microprocessor-controlled device (the portable computer includes the CD-ROM, i.e. it is part of the portable computer, therefore, it is provided by the same manufacturer) (page 2, paragraph 0025).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

4.   Claims 20-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dickie U.S.

Publication 2003/0041206 and Wurzburg U.S. Patent 7,086,583.

Referring to claim 20, Dickie teaches a system comprising a computer program specific

to the microprocessor-controlled device (the microprocessor-controlled device, i.e. the portable

computer comprises program with different functionalities, i.e. program for receiving new

appointments, contacts, emails, etc.) (Dickie: page 1, paragraphs 0013-0014 and page 2,

paragraphs 0026-0029), the program stored in and executable from digital memory accessible to

a computing appliance other than the microprocessor-controlled device (the portable computer

comprises memory such as the storage shown in Figure 4, which is available to a computer

appliance, i.e. the PDA, when docked; for example, information entered into the portable

computer can be accessed, i.e. stored and ported with the PDA to synchronize the entered

information) (Dickie: page 1, paragraph 0013 and page 2, paragraphs 0026-0029); and an

interactive interface presented by the computer program on a display of the computing appliance

(the PDA comprises an interface presented on a touch-screen display, as shown in Figure 4)

(Dickie: page 2, paragraphs 0025-0026) enabling a user to select through the interactive display

individual ones of the limited set of functions of the microprocessor-controlled device (users can

select a particular function such as the email function, or meeting function in the PDA to enter

information/events related to an email or a meeting; the email and meeting functions are also

functions of the portable computer since the email/meeting information are

transferred/synchronized in both devices) (Dickie: pages 2-3, paragraphs 0028-0030), and to

select specific times for initiating the functions selected, the selected function and specific times

comprising output information of the computer program (the PDA generated event includes a

specific time, i.e. 1:00pm for a selected function, i.e. meeting event notification; the generated

event will produce an output display of "Mgmt Meeting 1:00 PM") (Dickie: page 2, paragraph

0029). However, Dickie fails to explicitly teach that the output information to be transferred to

the microprocessor-controlled device is saved by the computer program. Wurzburg teaches

transferring information between multiple devices (Wurzburg: column 1, lines 46-63) similar to

that of Dickie. In addition, Wurzburg further teaches that the output information to be

transferred to the microprocessor-controlled device is saved (data from the PDA are saved using

the flash memory so that the data can be transferred/downloaded to a PC) (Wurzburg: column 1,

lines 46-63). It would have been obvious to one of ordinary skill in the art, having the teachings

of Dickie and Wurzburg before him at the time the invention was made, to modify the program

that presents the interface for allowing users to select functions for a microprocessor controlled

device of Dickie to include the transfer of data from programs between devices by saving the

data to a portable memory medium, as taught by Wurzburg. One would have been motivated to

make such a combination in order to easily transfer a large amount of information between a

plurality of devices.

Referring to claim 21, Dickie, as modified, teach a portable memory medium (flash memory) (Wurzburg: column 1, lines 46-63), wherein the output information is saved to the portable memory medium to be transferred to the microprocessor-controlled device (data from the PDA are saved using the flash memory so that the data can be transferred/downloaded to a PC) (Wurzburg: column 1, lines 46-63).

Referring to claim 22, Dickie, as modified, teach wherein the portable memory medium is a magnetic strip card, and the downloading mechanism is a magnetic strip writer connected to the computer appliance (the flash memory card used for reading and writing data in data transfer operations) (Wurzburg: column 5, lines 21-59).

Referring to claim 23, Dickie, as modified, teaches wherein the portable memory medium is a thumb drive having a USB male connector (USB ports of the flash memory) (Wurzburg: column 4, lines 53-58 and further shown in Figures 1-2).

Referring to claim 24, Dickie, as modified, teach wherein the computer appliance is a personal computer (PC) (Dickie: PDA and laptop shown in Figure 1).

Referring to claim 25, Dickie, as modified, teach wherein the computing appliance has a port to an Internet network, and the computer program is downloaded from a Web site in the Internet network (computer programs may be connected using networks such as the Internet; the Internet allows users to download information from web pages) (Wurzburg: column 1, lines 29-37 and column 10, lines 22-26).

Referring to claim 26, Dickie, as modified, teach wherein the computer program is uploaded from a compact disk read-only medium (CD-ROM) (portable mediums such as a CD-ROM and DVD drive) (Dickie: page 2, paragraph 0025).

Referring to claim 27, Dickie, as modified, teach wherein the CD-ROM is provided by a manufacturer of the microprocessor-controlled device (the portable computer includes the CD-ROM, i.e. it is part of the portable computer, therefore, it is provided by the same manufacturer) (Dickie: page 2, paragraph 0025).

Referring to claim 28, Dickie, as modified, teach a programmable device, the device having an interface for the portable memory medium (both the PDA and the computer have an interface) (Dickie: page 2, paragraph 0026 and further shown in Figure 4).

Referring to claim 29, Dickie, as modified, teach wherein the portable memory medium is a magnetic strip card, the computing device has a magnetic strip card writer, and the microprocessor-controlled device has a magnetic strip card reader (the flash memory card used for reading and writing data in data transfer operations) (Wurzburg: column 5, lines 21-59).

Referring to claim 30, Dickie teaches wherein the portable memory medium is a U.S.B. thumb drive (USB ports of the flash memory) (Wurzburg: column 4, lines 53-58 and further shown in Figures 1-2) and both the computing device and the microprocessor-controlled device have a U.S.B. port (the PDA and portable computer have flash memory, which are plugged into USB ports to transfer information between devices) (Dickie: page 2, paragraph 0025).

5.   Claims 32-34, 36 and 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dickie U.S. Publication 2003/0041206, as applied to claim 31 above, and further in view of Wurzburg U.S. Patent 7,086,583.

Referring to claim 32, Dickie teaches all of the limitations as applied to claim 31 above. However, although Dickie teaches transferring output information to the microprocessor-

controlled device, Dickie fails to explicitly teach downloading the output information to a

portable memory medium for transfer to the microprocessor-controlled device. Wurzburg

teaches transferring information between multiple devices (Wurzburg: column 1, lines 46-63)

similar to that of Dickie. In addition, Wurzburg further teaches downloading the output

information to a portable memory medium for transfer to the microprocessor-controlled device

(data from the PDA are saved using the flash memory so that the data can be

transferred/downloaded to a PC) (Wurzburg: column 1, lines 46-63). It would have been

obvious to one of ordinary skill in the art, having the teachings of Dickie and Wurzburg before

him at the time the invention was made, to modify the program that presents the interface for

allowing users to select functions for a microprocessor controlled device of Dickie to include the

transfer of data from programs between devices by saving the data to a portable memory

medium, as taught by Wurzburg. One would have been motivated to make such a combination

in order to easily transfer a large amount of information between a plurality of devices.

     Referring to claim 33, Dickie, as modified, teach wherein the portable memory medium

is a magnetic strip card, and the downloading mechanism is a magnetic strip writer connected to

the computer appliance (the flash memory card used for reading and writing data in data transfer

operations) (Wurzburg: column 5, lines 21-59).

     Referring to claim 34, Dickie, as modified, teach wherein the portable memory medium

is a thumb drive having a USB male connector, and the downloading mechanism includes a

U.S.B. port drive (USB ports of the flash memory) (Wurzburg: column 4, lines 53-58 and further

shown in Figures 1-2).

Referring to claim 36, Dickie, as modified, teach wherein the computing appliance has a port to an Internet network, and the computer program is downloaded from a Web site in the Internet network (computer programs may be connected using networks such as the Internet; the Internet allows users to download information from web pages) (Wurzburg: column 1, lines 29-37 and column 10, lines 22-26).

Referring to claim 39, Dickie, as modified, teach a programmable device, the device having an interface for the portable memory medium (both the PDA and the computer have an interface) (Dickie: page 2, paragraph 0026 and further shown in Figure 4).

Referring to claim 40, Dickie, as modified, teach wherein the portable memory medium is a magnetic strip card, the computing device has a magnetic strip card writer, and the microprocessor-controlled device has a magnetic strip card reader (the flash memory card used for reading and writing data in data transfer operations) (Wurzburg: column 5, lines 21-59).

Referring to claim 41, Dickie teaches wherein the portable memory medium is a U.S.B. thumb drive (USB ports of the flash memory) (Wurzburg: column 4, lines 53-58 and further shown in Figures 1-2) and both the computing device and the microprocessor-controlled device have a U.S.B. port (the PDA and portable computer have flash memory, which are plugged into USB ports to transfer information between devices) (Dickie: page 2, paragraph 0025).

Response to Arguments

6.   Applicant's arguments filed 01/17/08 have been fully considered but they are not persuasive: The applicant argues that Dickie does not teach the newly added limitations of the

computer program being specific to microprocessor-controlled device to be controlled, the

device having a limited set of functions, and limitations to a user using an interactive interface

provided by the computer appliance to select individual functions from the limited set and times

for initiation for the selected functions from the limited set. The examiner respectfully disagrees.

Dickie teaches that the user, using the PDA, can select a specific function of the laptop, i.e.

generating an event pertaining to a meeting and select the time for initiation of the function, i.e.

the meeting occurring at 1pm (page 1, paragraphs 0013-0014 and pages 2-3, paragraphs 0027-

0030); therefore, Dickie selects the specific function of a meeting among a set of functions

including calendar, appointments, contacts, etc. and sets the time for initiation, i.e. 1pm, as

displayed on the laptop interface.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Ting Zhou whose telephone number is (571) 272-4058. The

examiner can normally be reached on Monday - Friday 7:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Cabeca can be reached at (571) 272-4048. The fax phone number for the

organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TZ

/Ting Zhou/
Examiner, Art Unit 2173